

IN THE UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF TEXAS  
DALLAS DIVISION

RICHARD DUANE SHEPARD,  
TDCJ No. 640520,

Petitioner,

V.

DIRECTOR, TDCJ-CID,

Respondent.

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No. 3:23-CV-1947-D

**ORDER**

The United States Magistrate Judge made findings, conclusions, and a recommendation in this case. No objections were filed. The undersigned district judge reviewed the proposed findings, conclusions, and recommendation for plain error. Finding none, the court adopts the findings, conclusions, and recommendation of the United States Magistrate Judge.

Considering the record in this case and pursuant to Federal Rule of Appellate Procedure 22(b), Rule 11(a) of the Rules Governing §§ 2254 and 2255 proceedings, and 28 U.S.C. § 2253(c), the court denies a certificate of appealability. The court adopts and incorporates by reference the magistrate judge's findings, conclusions, and recommendation filed in this case in support of its finding that petitioner has failed to show that reasonable jurists would find "it debatable whether the petition states a valid claim of the denial of a constitutional right" or "debatable whether [this Court] was correct in its procedural ruling." *Slack v. McDaniel*, 529 U.S. 473, 484

(2000).

But if petitioner elects to file a notice of appeal, he is granted leave to appeal *in forma pauperis*.

**SO ORDERED.**

April 30, 2024.

  
SIDNEY A. FITZWATER  
SENIOR JUDGE